

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE JULY 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 701

**Introduced by Assembly Members Cristina Garcia and Eggman
(Coauthors: Assembly Members Arambula, Atkins, Bonilla, Bonta,
Gatto, Gipson, Gomez, Grove, Lopez, *Maienschein*, McCarty,
Olsen, and Williams)**

(Coauthors: Senators *Anderson*, Beall, Glazer, *Hall*, *Hancock*, Hertzberg,
and *Leyva Hill*, *Leno*, *Leyva*, and *Stone*)

February 25, 2015

An act to add Section ~~260~~ 263.1 to the Penal Code, relating to sex crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 701, as amended, Cristina Garcia. Sex crimes: rape.

Existing law defines rape and spousal rape as an act of sexual intercourse accomplished under specified circumstances indicating a lack of consent, force, or duress, as specified. Existing law additionally makes it unlawful to induce a person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would

~~cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act: various acts, including sodomy and oral copulation without consent or sexual intercourse with a minor, unlawful as sexual assault.~~

~~Existing law defines sodomy as sexual conduct consisting of contact between the penis of one person and the anus of another person. Existing law defines oral copulation as the act of copulating the mouth of one person with the sexual organ or anus of another person. Existing law makes it a crime to commit an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

~~This bill would deem a person who is convicted of any of the aforementioned offenses guilty of rape for purposes of this bill.~~

~~This bill would state the findings of the Legislature that all forms of nonconsensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors and would state that this is declarative of existing law.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 263.1 is added to the Penal Code, to read:
- 2 263.1. (a) The Legislature finds and declares that all forms
- 3 of nonconsensual sexual assault may be considered rape for
- 4 purposes of the gravity of the offense and the support of survivors.
- 5 (b) This section is declarative of existing law.
- 6 SECTION 1. Section 260 is added to the Penal Code, to read:
- 7 260. For purposes of this section, a person shall be considered
- 8 guilty of rape if he or she is convicted under any the following
- 9 sections:
- 10 (a) Section 261.
- 11 (b) Section 262.
- 12 (c) Section 266c.
- 13 (d) Section 286.
- 14 (e) Section 288a.
- 15 (f) Section 289.

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